

SENATE BILL NO. 172

INTRODUCED BY K. GEBHARDT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIMINAL OFFENSE OF ASSAULT WITH BODILY FLUID; EXTENDING THE SCOPE OF THE CRIME TO INCLUDE ASSAULT ON EMERGENCY RESPONDERS; DEFINING "EMERGENCY RESPONDER"; AND AMENDING SECTION 45-5-214, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-214, MCA, is amended to read:

"45-5-214. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid if the person purposely or knowingly causes one of the person's bodily fluids to make physical contact with:

(a) a law enforcement officer or staff person of a correctional or detention facility:

(i) during or after an arrest for a criminal offense;

(ii) while the person is incarcerated in or being transported to or from a state prison or a county, city, or regional jail or detention facility; or

(iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility; or

(b) an emergency responder, except when the contact is an unavoidable consequence of the emergency.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

(3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed in district court, in which case the district court has jurisdiction.

(4) As used in this section, the following definitions apply:

(a) ~~"bodily"~~ "Bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and saliva.

(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician,

- 1 emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith
- 2 renders emergency care or assistance at a crime scene or the scene of an emergency or accident."
- 3 - END -